

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,

Plaintiff,

v.

M. JOHNSON, et al.,

Defendants.

CASE NO. 1:05-cv-00086-OWW-NEW (DLB) PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL

(Doc. 17)

ORDER DISMISSING CERTAIN CLAIMS AND
DEFENDANTS FROM ACTION FOR FAILURE
TO STATE A CLAIM

(Doc. 8)

Plaintiff Bryan E. Ransom ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On March 5, 2007, the Magistrate Judge filed a Findings and Recommendations herein which was served on plaintiff and which contained notice to plaintiff that any Objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff filed an Objection to the Findings and Recommendations on March 19, 2007.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed March 5, 2007, is adopted in full;

2. This action proceed on plaintiff's amended complaint, filed August 30, 2005, on claims one through 15, as identified in the first paragraph of the conclusion of this Findings and Recommendations; and

3. The following claims are dismissed, with prejudice, for failure to state a claim:

- a. Plaintiff's due process claim against defendant Johnson;
- b. Plaintiff's due process claim against defendants Marshal, Dill, Means, Garza, Underwood, Rangel, and Stockman;
- c. Plaintiff's state law IIED claim against defendant Cabral;
- d. Plaintiff's Eighth Amendment claim against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske based on violation of plaintiff's right to privacy;
- e. Plaintiff's state law sexual harassment and humiliation claims against defendants Bremner, Diaz, Jones, Cheema, Duran, Hulsey, Mayo, Garcia, Pina, Madreno, Santos, McDowell, and Meske;
- f. Plaintiff's equal protection claim against defendants Bennett, Garcia, Castaneda, Issac, Stockman, Gadsden, and Tepperman;
- g. Plaintiff's conspiracy claim against Bennett, Garcia, Castanada, Issac, Stockman, Gadsden, and Tepperman; and
- h. Plaintiff's due process claim against Bennett, Garcia, Castanada, Issac, Stockman, Gadsden, and Tepperman;

4. Defendants Marshal, Dill, Underwood, Tepperman, Means, Garza, Rangel, Stockman, Isaac, Castaneda, Gadsden, and Ortiz are dismissed from this action based on plaintiff's failure to state any claims upon which relief may be granted against them; and

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5. This matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: March 26, 2007
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE